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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,611	09/25/2003	Timothy Siorek	02AB102 / ALBRP296US	6787
7590 Susan M. Donahue Rockwell Automation 704-P, IP Department 1201 South 2nd Street Milwaukee, WI 53204	07/02/2007		EXAMINER JEAN GILLES, JUDE	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/670,611	SIOREK ET AL.
	Examiner	Art Unit
	Jude J. Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 September 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-21 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :09/25/2003, 05/11/2006, and 01/29/2007.

DETAILED ACTION

This office action is responsive to communication filed on 11/29/2004

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Sistanizadeh et al (Sistanizadeh), Patent No. 6,681,232 B1.

Regarding claims 1-21, Sistanizadeh discloses:

1. A system that facilitates analyzing a network (fig. 4), comprising:
 - a network interface component that facilitates access to the network (fig. 4, item 41), the network interface component comprising:
 - a network traffic analyzer (NTA) component that analyzes network data (fig. 4, item 128; column 28, lines 47-62).
2. The system of claim 1, the network traffic analyzer comprising a filter component that facilitates associating subsets of network data with respective sources and/or destinations of the data (column 29, lines 5-23).

3. The system of claim 1, the NTA comprising a control component that facilitates controls of at least a subset of the network based at least in part upon an analysis of network data by the NTA (column 28, lines 47-67).
4. The system of claim 1, the NTA further comprising an artificial intelligence component that performs a probabilistic analysis on the network data to facilitate determining a state of the network (column 26, lines 48-54; column 28, lines 35-46).
5. The system of claim 1, the NTA further comprising an artificial intelligence (AI) component that performs a probabilistic analysis on the network data to facilitate inferring a state of the network (col. 30, lines 1-11).
6. The system of claim 5, the inference relates to a predicted future state of the network (column 24, lines 8-22).
7. The system of claim 5, the inference relates to a predicted future state of a device that is part of the network (column 24, lines 8-22).
8. The system of claim 1, the NTA is an asynchronous integrated circuit (ASIC) (column 31, lines 37-47).
9. The system of claim 1, the NTA is software that makes up part of the network

interface.

10. The system of claim 1, the NTA is a combination of software and hardware that makes up part of the network interface (fig. 4, item 128; column 28, lines 47-62).

11. The system of claim 1, further comprising a data store that has stored thereon historical data relating to state(s) of the network (column 23, lines 47-62).

12. The system of claim 5, the AI component comprises at least one of: a trained classifier, a neural network, a data fusion engine, a Bayesian belief network, a Hidden Markov Model (col. 30, lines 1-11).

13. The system of claim 1, the network traffic analyzer filter component comprising a data acquisition component that facilitates a filter and analysis of network related data problems (fig. 4, item 128; column 28, lines 47-62).

14. The system of claim 2, the filter component further comprising:
a source MAC ID filter component (column 23, lines 47-62);
a destination MAC ID filter component (column 23, lines 47-62). and
a packet type filter component (column 29, lines 5-23).

15. The system of claim 14, the filter component further comprising:

a sequence number filter component (column 23, lines 47-62);
a packet length filter component (column 23, lines 47-62); and
a checksum component (column 29, lines 5-23).

16. The system of claim 3, the control component further comprising a data collection start/stop component (column 19, lines 5-20).

17. The system of claim 16, the control component further comprising:
a memory status and control component; and
a memory upload and download component (column 33, lines 57-67, continue column 34, lines 1-13).

18. A network analysis system comprising;
means for accessing and interfacing with a network; and
means for analyzing the network, the means for analyzing is integrated with the means for accessing and interfacing with the network (fig. 4, items 41, and 128; column 28, lines 47-62)..

19. A method for allocating network traffic analysis tasks to networked devices comprising:
activating respective monitoring components in a plurality of devices of a network; requesting resource utilization data from a subset of the activated monitoring

components; accepting resource utilization data from the subset of activated monitoring components; evaluating the resource utilization data; determining which devices have greatest available resources based at least in part on the resource utilization data; and allocating network traffic analysis tasks based at least in part on the available resources (fig. 4; column 28, lines 21-60).

20. A method for allocating network traffic analysis tasks to networked devices comprising:

activating a monitoring component in more than one device on a network; requesting resource utilization data from each activated monitoring component; accepting resource utilization data from each activated monitoring component; evaluating the resource utilization data; determining which device has the greatest available resources based at least in part on the resource utilization data; and allocating the network traffic analysis tasks to the device with the greatest available resources (fig. 4; column 28, lines 21-60).

21. A method for allocating network traffic analysis tasks to networked devices comprising:

activating a monitoring component in more than one device on a network; requesting resource utilization data from each activated monitoring component; accepting resource utilization data from each activated monitoring component;

evaluating the resource utilization data; determining the available resources for each device based at least in part on the resource utilization data; allocating the network traffic analysis debug task to the device with the greatest available resources; and allocating the network traffic analysis control task to the device with second greatest available resources (fig. 4; column 28, lines 21-60).

3. **Claims 1-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Gleichauf et al (Gleichauf), Patent No. 6,816,973 B1.

Regarding claims 1-21, Gleichauf discloses "A method and system for adaptive network security using intelligent packet analysis are provided. The method comprises monitoring network data traffic. The network data traffic is analyzed to assess network information. A plurality of analysis tasks are prioritized based upon the network information. The analysis tasks are to be performed on the monitored network data traffic in order to identify attacks upon the network..." see abstract, summary of invention, and fig. 2 items 20, and 22)

Conclusion

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

May 28, 2007

L. DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100